

Message Text

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PAGE 01 SANTIA 04594 01 OF 02 162148Z
ACTION ARA-14

INFO OCT-01 IO-13 ISO-00 CIAE-00 DODE-00 PM-05 H-01
INR-10 L-03 NSAE-00 PA-01 SP-02 SS-15 HA-05
NSCE-00 SSO-00 ICAE-00 INRE-00 AID-05 /075 W
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TO SECSTATE WASHDC IMMEDIATE 9571
INFO USMISSION USUN NEW YORK
USMISSION GENEVA
AMEMBASSY BUENOS AIRES
AMEMBASSY MONTEVIDEO

C O N F I D E N T I A L SECTION 1 OF 2 SANTIAGO 4594

E.O. 11652: GDS
TAGS: SHUM CI
SUBJECT: THE MISSING PERSONS PROBLEM: GOC REPLY TO THE HUNGER
STRIKERS

REF: A) SANTIAGO 4449 AND PREVIOUS (NOTAL), B) SANTIAGO 4531
(NOTAL)

1. SUMMARY: INTERIOR MINISTER FERNANDEZ JUNE 15 DELIVERED
THE GOC'S "DEFINITIVE POSITION" ON THE PROBLEM OF MISSING
PERSONS. IT REPRESENTS A PARTIAL RETREAT FROM THE COMMIT-
MENT REPORTED BY THE BISHOPS JUNE 6, AND WHICH BROUGHT
ABOUT THE END OF THE RECENT HUNGER STRIKE. IT IS NOT
GOING TO SATISFY THE RELATIVES OF THE MISSING PERSONS.
HOWEVER, IT GOES FURTHER THAN ANY PREVIOUS STATEMENT IN
ACKNOWLEDGING THAT THE NUMBER OF MISSING PERSONS MAY BE
SUBSTANTIAL AND IT PROVIDES A RATIONALE FOR WHY SO MANY
MAY HAVE DIED -- EVEN WELL AFTER THE COUP IN 1973. WITH-
OUT BEING PREPARED TO METE OUT PUNISHMENTS, THE GOC IS
MOVING TOWARD ACKNOWLEDGING THAT MOST OF THE MISSING
PERSONS WERE KILLED BY SECURITY PERSONNEL. AND, BY
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PAGE 02 SANTIA 04594 01 OF 02 162148Z

OFFERING LEGAL RELIEF, IT HOPES THAT MOST RELATIVES
WILL EVENTUALLY ACCEPT THIS SITUATION AND SOLUTION.
END SUMMARY

2. SPEAKING ON NATIONAL TELEVISION AND RADIO THE EVENING
OF JUNE 15, INTERIOR MINISTER FERNANDEZ DELIVERED THE
GOVERNMENT'S RESPONSE TO THE DEMANDS OF RELATIVES OF

MISSING PERSONS WHO CONDUCTED A HUNGER STRIKE FROM MAY 22 THROUGH JUNE 7. THAT STRIKE CAME TO AN END AS A RESULT OF A DECLARATION JUNE 6 BY THE CATHOLIC CHURCH'S PERMANENT COMMITTEE OF BISHOPS. THE KEY SENTENCES OF THAT DECLARATION WERE: "THE MINISTER (FERNANDEZ) EXPRESSED THE WILL OF THE GOVERNMENT TO MAKE CLEAR WITHIN A SHORT TIME PERIOD (EN BREVE PLAZO) THE FATE OF EACH PERSON WHOSE DISAPPEARANCE HAS BEEN ESTABLISHED (ACREDITADO) BEFORE A RESPONSIBLE ENTITY (ORGANISMO) AND WHOSE RELATIVES SO REQUEST. IN ADDITION THE MINISTER DESIRES, BY MEANS OF LEGISLATION, TO RESOLVE THE JURIDICAL PROBLEMS IMPLICIT IN THIS SITUATION" (SANTIAGO 4315).

3. FERNANDEZ BEGAN HIS ADDRESS WITH THE OBSERVATION THAT HE WAS SETTING FORTH "THE DEFINITIVE POSITION OF THE GOVERNMENT WITH RESPECT TO THE PROBLEM OF THE PRESUMABLY MISSING PERSONS". HE DEVOTED THE FIRST HALF OF THE SPEECH TO A REVIEW OF THE EVENTS LEADING UP TO THE COUP OF 1973 AND DURING THE YEARS SINCE. CIVIL WAR EXISTED IN CHILE AND IT DID NOT END IN 1973. THERE WERE LAMENTABLE COSTS ASSOCIATED WITH MAINTAINING CHILE'S FREEDOM BUT THEY WERE SMALL BY COMPARISON WITH WHAT MIGHT HAVE BEEN. THE SECURITY FORCES MUST BE JUDGED BY THE CONDITIONS OF THE PERIOD, NOT BY NORMAL CRITERIA. ON THE OTHER HAND, PROVEN EXCESSES OF THE SECURITY FORCES HAVE BEEN OR WILL BE PUNISHED.
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PAGE 03 SANTIA 04594 01 OF 02 162148Z

4. FERNANDEZ THEN SAID THAT THE GOC SEEKS A COMPREHENSIVE SOLUTION TO THE PROBLEM OF MISSING PERSONS AND THAT THE AMNESTY DECLARED APRIL 18 WAS A MAJOR STEP IN THAT DIRECTION. MOST CHILEANS HAVE APPLAUDED THE AMNESTY AS ESSENTIAL FOR NATIONAL RECONCILIATION, FERNANDEZ ARGUED, WITH ONLY A FEW FANATICAL MINDS IN OPPOSITION. FERNANDEZ ASKED WHAT THESE CRITICS ARE REALLY AFTER AND ANSWERED WITH THE USUAL GOC DENUNCIATION OF ULTERIOR POLITICAL OBJECTIVES.

5. FERNANDEZ THEN ADDRESSED THE NUMBER OF MISSING PERSONS AND HOW TO ACCOUNT FOR THEM. HE STARTED BY SAYING THAT THE BEST PROOF OF THE GOVERNMENT'S SINCERE EFFORTS TO GET TO THE BOTTOM OF THE PROBLEM OF THE MISSING PERSONS IS THAT, WHILE SOME PEOPLE ABROAD CONTINUE TO USE THE FIGURE 2,500 WITHIN CHILE THE MOST COMMONLY CITED FIGURES DO NOT EVEN REACH ONE-FOURTH OF THAT NUMBER (PRESUMABLY REFERRING TO THE VICARIATE'S LISTING OF 618). DISCOUNTING

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PAGE 01 SANTIA 04594 02 OF 02 162218Z
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C O N F I D E N T I A L SECTION 2 OF 2 SANTIAGO 4594

THOSE FEW CASES OF MISSING PERSONS WHICH ARE TOTALLY
APOLITICAL (RUNAWAY CHILDREN, SPOUSES, ETC), ADD
AFTER ALLUDING TO THE MULTIPLE IDENTIFICATION DOCUMENTS
THAT MANY LEFTISTS POSSESSED AT THE END OF THE ALLENDE
PERIOD, FERNANDEZ ARGUED THAT THE DISAPPEAREDS FALL INTO
TWO CATEGORIES: THOSE WHO HAVE GONE UNDERGROUND EITHER
HERE OR ABROAD, OR THOSE WHO HAVE BEEN KILLED IN CONFRONTA-
TIONS WITH THE SECURITY FORCES BUT WHO, BECAUSE THEY WERE
USING FALSE NAMES, WERE NEVER PROPERLY IDENTIFIED.

6. THE SUBSTANCE OF FERNANDEZ' COMMITMENT FOR THE GOC ON
THE MISSING PERSONS PROBLEM IS CONTAINED IN TWO SMALL
PARAGRAPHS:

-- "WHATEVER MAY BE THE TRUTH IN EACH SITUATION CAN
BE INVESTIGATED BY THE COURTS AND, FOR ITS PART, THE GOVERN-
MENT WILL EXPLORE ANY SERIOUS LEADS THAT, WITH RESPECT TO
A PARTICULAR CASE, MAY BE PRESENTED."

-- "AT THE SAME TIME THE GOVERNMENT WILL ESTABLISH APPROPRIATE
JURIDICAL NORMS THAT WILL PERMIT A SOLUTION TO THE LEGAL
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PAGE 02 SANTIA 04594 02 OF 02 162218Z

OR PROPERTY PROBLEMS OF RELATIVES OF PERSONS PRESUMABLY
MISSING, IF AND WHEN THE RELATIVES SO REQUEST AND WHEN

SUCH ACTION IS JUSTIFIED."

7. FERNANDEZ CONCLUDED HIS ADDRESS WITH A WARNING THAT THE GOVERNMENT WOULD NOT TOLERATE THE POLITICAL ABUSE OF THIS ISSUE, WITH A SALUTE TO THE ARMED FORCES FOR THEIR SERVICE TO THE NATION, AND WITH A CALL FOR NATIONAL UNITY.

8. COMMENT: STARTING FROM THE FACT THAT THIS GOVERNMENT IS NOT GOING TO ADMIT TO MURDERING MANY HUNDREDS OF ITS CITIZENS, FERNANDEZ' SPEECH MAY HAVE SOME POSITIVE ELEMENTS IN TERMS OF EVENTUALLY REDUCING THE IMPORTANCE OF THE MISSING PERSONS ISSUE IN CHILEAN POLITICAL LIFE. IT IS THE MOST DETAILED AND COMPREHENSIVE STATEMENT BY THE GOC TO DATE. IT INCLUDES IMPLICIT RECOGNITION THAT THE NUMBER OF MISSING PERSONS IS SUBSTANTIAL. BY CLAIMING THAT CIVIL WAR CONDITIONS/NECESSITIES EXTENDED WELL BEYOND 1973, AND ARGUING THAT SOME OF THE DISAPPEARED, UNDER FALSE NAMES, MAY HAVE BEEN KILLED BY SECURITY FORCES DURING THE YEARS SINCE 1973, IT HAS COME UPON A FORMULA THAT, WHILE CERTAINLY FALSE IN ALMOST ALL CASES, IS NOT ABSURD.

9. ON THE OTHER HAND, IT IS CLEAR THE GOC HAS HAD SOME SECOND THOUGHTS SINCE THE BISHOPS' DECLARATION OF JUNE 6. AN APPARENT COMMITMENT TO REPORT "WITHIN A SHORT TIME PERIOD" IN ALL CASES WHERE A DISAPPEARANCE HAS BEEN ESTABLISHED AND THE RELATIVES SO REQUEST NO LONGER HAS A TIME CONSTRAINT AND HAS BECOME A PROMISE TO "EXPLORE SERIOUS LEADS" IN INDIVIDUAL CASES AS THEY MAY BE DEVELOPED. THE REQUESTING ROLE OF RELATIVES NOW RELATES TO THE APPLICATION OF NEW LEGAL CONDITIONS (PRESUMABLY PRESUMPTIVE DEATH AND, PERHAPS, INDEMNIZATION) NOT TO EXECUTIVE BRANCH INVESTIGATION AND CONFIDENTIAL

CONFIDENTIAL

PAGE 03 SANTIA 04594 02 OF 02 162218Z

REPORTING. THE REFERENCE TO THE CONTINUING INVESTIGATIVE ROLE OF THE COURTS (PARA 6 ABOVE) DOES NOT, ACCORDING TO SOME PRELIMINARY LEGAL OPINION, CHANGE THE PRESENT ABILITY OF COURTS TO DECLARE CASES CLOSED ON GROUNDS THAT THE AMNESTY (AND GOC SILENCE) MAKE FURTHER INVESTIGATION POINTLESS. THIS IS A MAJOR CONCERN OF THE RELATIVES.

10. THE RELATIVES OF THE MISSING PERSONS ARE NOT GOING TO HAVE MUCH GOOD TO SAY ABOUT THE GOC'S "DEFINITIVE POSITION", BUT WE MAY WONDER HOW MANY REALLY EXPECTED THIS GOC TO GO FURTHER. WE WILL HAVE TO WAIT AND SEE WHAT THE PROMISED LEGISLATION LOOKS LIKE. IN THE NEAR FUTURE, FEW RELATIVES ARE LIKELY TO ACCEPT LEGAL CERTIFICATION OF PRESUMPTIVE DEATH OR ANY FORM OF INDEMNIZATION. BUT, THE GOC HOPES, THESE OPTIONS MAY BECOME MORE ATTRACTIVE OVER TIME.

11. FOOTNOTE. SANTIAGO'S 4531 REPORTED AN ANNOUNCEMENT JUNE 14 BY A GOC OFFICIAL THAT 210 DISAPPEARED PERSONS HAD BEEN LOCATED. WE AND OTHERS WERE SKEPTICAL THAT ANY OF THESE "DISCOVERIES" FIGURED ON THE VICARIATE'S LIST OF 618. THE INTERIOR MINISTRY HAS SINCE ACKNOWLEDGED THE SAME; THE 210 PERSONS LIST (NOT YET RELEASED) IS A COMPILATION OF PROVED ERRORS IN VARIOUS MISSING PERSONS LISTS OVER THE YEARS. ON THE OTHER HAND, IT NOW APPEARS THAT THE VICARIATE'S LIST OF 618 SHOULD REALLY BE 616. TWO NAMES APPEAR TWICE.
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